AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows. The claims are in the format as required by 35 C.F.R. § 1.121.

1. (Currently amended) A method of determining a spot price for a commodity on a spot market, comprising:

generating ~~a forecast~~ market ~~state condition for a next period~~ states using historical data ~~which~~, wherein the historical data includes transactional data and non-transactional data, wherein the transactional data includes prices and quantities of the commodity and date sold in past transactions, wherein the non-transactional data includes non-transactional information or conditions that affect the spot price or demand of the commodity, wherein the market states include market state attributes, and wherein the market state attributes include product- or service-based data, customer-based data, competitor-based data, seasonal variations, and special events;

calculating a forecast of the market states for a next pricing period, wherein the forecast includes a forecast price for the commodity on the spot market during the next pricing period;

~~clustering data from a database into clusters based on market conditions or~~ generating a clustering index for each of the past transactions and each of the forecasted market states;

~~identifying which cluster most closely matches the forecast market state condition~~ comparing clustering indices of the past transactions and the forecasted market states for the next pricing period; and

generating a price-demand curve for the commodity on the spot market for the next pricing period using ~~the data~~ records from the ~~identified cluster~~ past transactions having clustering indices that are the same or comparable to the cluster index of the forecasted market states for the next pricing period.

2. (Currently amended) The method of claim 1, wherein the forecast of the market states for a next pricing period ~~condition~~ comprises at least one of a maximum price for the commodity, a minimum price for the commodity, ~~a forecast price for the commodity during the next period,~~ a company's price rank, or the nearest higher price for the commodity.

3. (Canceled).

4. (Original) The method of claim 1, wherein generating is performed without using data from any other cluster.

5. (Canceled).

6. (Currently amended) The method of claim 1, further comprising determining the spot price for the commodity on the spot market for the next pricing period using the price-demand curve.

7. (Currently amended) The method of claim 6, wherein determining the spot price for the commodity on the spot market comprises determining the spot price consistent with maximizing profit, volume, or revenue.

8. (Original) The method of claim 1, wherein the commodity is a product.

9. (Original) The method of claim 1, wherein the commodity is a service.

10. (Currently amended) A data processing system readable medium having code embodied therein, the code comprising:

an instruction for generating ~~a forecast~~ market ~~state condition for a next period~~ states using historical data ~~which~~, wherein the historical data includes transactional data and non-transactional data, wherein the transactional data includes prices and quantities of the commodity and date sold in past transactions, wherein the non-transactional data includes non-transactional information or conditions that affect the spot price or demand of the commodity, wherein the market states include market state attributes, and wherein the market state attributes include product- or service-based data, customer-based data, competitor-based data, seasonal variations, and special events;

an instruction for calculating a forecast of the market states for a next pricing period, wherein the forecast includes a forecast price for the commodity on the spot market during the next pricing period;

an instruction for ~~clustering data from a database into clusters based on market conditions or~~ generating a clustering index for each of the past transactions and each of the forecasted market states;

an instruction for ~~identifying which cluster most closely matches the forecast market state condition~~ comparing clustering indices of the past transactions and the forecasted market states for the next pricing period; and

an instruction for generating a price-demand curve for the commodity on the spot market for the next pricing period using ~~the data~~ records from the ~~identified cluster~~ past transactions having clustering indices that are the same or comparable to the cluster index of the forecasted market states for the next pricing period.

11. (Currently amended) The data processing system readable medium of claim 10, wherein the forecast market state condition comprises at least one of a maximum price for the commodity, a minimum price for the commodity, ~~a forecast price for the commodity during the next period,~~ a company's price rank, or the nearest higher price for the commodity.

12. (Canceled).

13. (Original) The data processing system readable medium of claim 10, wherein the instruction for generating is executed without using data from any other cluster.

14. (Canceled).

15. (Currently amended) The data processing system readable medium of claim 10, wherein the code further comprises an instruction for determining a spot price for the commodity on the spot market for the next pricing period using the price-demand curve.

16. (Currently amended) The data processing system readable medium of claim 15, wherein the instruction for determining the spot price for the commodity comprises an instruction for determining the spot price consistent with maximizing profit, volume, or revenue.

17. (Original) The data processing system readable medium of claim 10, wherein the commodity is a product.

18. (Original) The data processing system readable medium of claim 10, wherein the commodity is a service.

19. (Currently amended) A system for determining a spot price for a commodity on a spot market, comprising:

a database comprising historical data for the commodity, wherein the historical data includes transactional data and non-transactional data, wherein the transactional data includes prices and quantities of the commodity and date sold in past transactions, wherein the non-transactional data includes non-transactional information or conditions that affect the spot price or demand of the commodity, wherein the market states include market state attributes, and wherein the market state attributes include product- or service-based data, customer-based data, competitor-based data, seasonal variations, and special events;

a market state generation module that is adapted to generate ~~a forecast~~ market ~~state condition for a next period~~ states using the historical data and a forecast of the market states for a next pricing period;

a clustering module that is adapted to generate ~~clusters including a specific cluster that most closely matches the forecast market state condition~~ a clustering index for each of the past transactions and each of the forecasted market states; and

a demand curve generation module that is adapted to generate a price-demand curve ~~in response to receiving data from the specific cluster from the clustering module~~ for the commodity on the spot market for the next pricing period using records from the past transactions having cluster indices that are the same or comparable to the cluster index of the forecasted market states for the next pricing period.

20. (Currently amended) The system of claim 19, further comprising a price determination module that is adapted to use a demand curve from the demand curve generation module and a business rule to determine the spot price for the commodity on the spot market for ~~a~~ the next pricing period.

21. (Currently amended) The system of claim 19, wherein:

the ~~forecast~~ market state ~~condition~~ comprises a prediction of the spot price for the commodity during the next pricing period; and

the ~~specific cluster~~ records used by the demand curve generation module comprise**[[s]]** the prediction of the spot price for the commodity.